

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON JANUARY 18, 2006, AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER.

Members Present: Jim Keane, Geoff Armstrong, Gordon Nicholl, Tom Bowen, Amy Rosevear, Jerri Harwell, Doug Haymore, Sue Ryser

Members Excused: JoAnn Frost

Staff Present: Planning Manager Michael Black, Community Development Director Kevin Smith, City Attorney Shane Topham, Deputy City Recorder Sherry McConkey

Others Present: Tracy Rawle, Stacey Mayberry, Barney Carlson, Brad Hackworth, Rene Weston, Anton Tonc, D. Gerald Searfus, Michael Lushing, Bruce Evans, Marsha Gilford, Steven Hardy, Ruth Hardy, Craig Hardy, Scott Clark, Jill Cushing, Steve Osborne, Lynn Pace

Chair Bowen called the meeting to order at 6:00 p.m. and announced that at the request of the applicants items #3, Highland House, and #4, Reeve Property, had been pulled from the agenda.

1.0 **Public Comment**

No public comment was given.

2.0 **Conditional Use Permit – Public Hearing – Check City – 6975 S. Highland**

Mr. Black stated that the current proposal is to build a 4,519 square foot retail/financial establishment that would house two storefronts. The proposed Conditional Use permit is located on the Northeast corner of Highland Drive and Fort Union. The site is 21,000 square feet. Mr. Black reviewed the staff report with the Commission and stated that the applicant can meet the minimum requirements for retail/financial establishments in the CR zone and other applicable ordinances with the given conditions.

Staff has provided conditions in the staff report and the determination was made by the Planning Commission that condition #1 would need to be reworded.

Condition # 1 currently reads as follows:

- 1.) That the developer, upon approval of a conditional use permit, works with the City to create a revocable license for the developers land that the City will require to conduct widening of the affected streets in such form as the City may require.

Mr. Topham read the following changes to condition #1:

1. The developer upon approval of a conditional use permit dedicates for public use approximately 12 feet of frontage along both Fort Union Blvd

and Highland Drive for future road widening purposes. Conditioned on the City granting back to the developer a revocable license to use such land for landscaping purposes until such time as the City elects to widen either such roads. The configuration of the land to be so dedicated and the form of the grant deed and the revocable license agreement shall be as reasonably required by the City. One aspect of the revocable license agreement will be for the developer to reconfigure and reinstall any landscaping affected by such road widening to the Cities reasonable specifications.

Item # 5 currently reads as follows:

- 5.) All accesses to Fort Union and Highland Drive must be eliminated and access to the property should be worked out with Associated Foods based on an existing cross access easement.

Chair Bowen read the following change on Condition #5:

5. The developer must comply with all Cottonwood Heights Gateway Design criteria for this project and shall install new lights in the City right of way adjacent to this property per the City Gateway Design Guidelines and the standards and specifications for new construction.

Mr. Black noted there was a Phase 1 Environmental Site Assessment preformed on this site due to the previous use as a gas station. Mr. Black wanted the record to show that one of the conditions should be that this developer follows all mitigating items contained in this report in order to bring this site into compliance with the ESA requirements.

Chair Bowen added the following Condition #12:

12. The applicant will be responsible to install a concrete walkway to Dan's with the City logo as specified in the Gateway Overlay Zone.

The applicant will be subject to the following conditions listed in the January 18, 2006 staff report:

- 1.) The developer upon approval of a conditional use permit dedicates for public use approximately 12 feet of frontage along both Fort Union Blvd and Highland Drive for future road widening purposes. Conditioned on the City granting back to the developer a revocable license to use such land for landscaping purposes until such time as the City elects to widen either such roads. The configuration of the land to be so dedicated and the form of the grant deed and the revocable license agreement shall be as reasonably required by the City. One aspect of the revocable license

- agreement will be for the developer to reconfigure and reinstall any landscaping affected by such road widening to the Cities reasonable specifications.
- 2.) That the developer adds a suitable bicycle stand to accommodate at least 5 bicycles.
 - 3.) That all improvements to the cross-section of Fort Union Blvd. and Highland Drive be completed before final occupancy is granted for this building (the improvements are specific to sidewalk, lighting, signage and landscaping).
 - 4.) All accesses to Fort Union and Highland Drive must be eliminated and access to the property should be worked out with Associated Foods based on an existing cross access easement.
 - 5.) The developer must comply with all Cottonwood Heights Gateway Design criteria for this project and shall install new lights in the City right of way adjacent to this property per the City Gateway Design Guidelines and the standards and specifications for new construction.
 - 6.) The proposed Check City sign with the green linear cabinet sign shall be eliminated and replaced with channel letters only.
 - 7.) The retail establishment will be required to apply for a separate sign permit when the tenant is known.
 - 8.) Lighting is required to be full cut-off, light fixtures shall be as shown in the plans.
 - 9.) Landscaping shall be completed as the plans represent and shall be completed at the time of final occupancy. In addition a 100% landscape bond will be required to ensure the improvements are made as represented.
 - 10.) A 4 foot concrete sidewalk shall be required to be located near the trash receptacles to link pedestrian traffic from Dan's to Check City.
 - 11.) Trash enclosure shall match the buildings architectural theme.
 - 12.) The applicant will be responsible to install a concrete walkway to Dan's with the City logo as specified in the Gateway Overlay Zone.

Tracy Rawl, representing Check City, stated that he will comply with all the conditions discussed.

Chair Bowen opened the public hearing.

No public comment was given.

Chair Bowen closed the Public Hearing.

Mr. Keane questioned the engineer's second condition. Mr. Black stated that it has to do with subdivision requirements that will be addressed during a different application process.

Ms. Ryser asked about the cross access easement and whether or not it existed.

Mr. Black stated that if there isn't a cross access easement, or if Associated Foods decides not to honor it, the applicant would have to amend the conditional use permit.

Mr. Nicholl moved to approve this project as amended subject to a Planning Commission review of the final plan and conditions specified in the Staff report. The motion was seconded by Mr. Armstrong and passed unanimously on voice vote.

3.0 **Zone Change Application – Public Hearing – Highland House**

Application withdrawn at the request of the applicant.

4.0 **Zone Change Application – Public Hearing – Reeve Property**

Application withdrawn at the request of the applicant.

5.0 **Zone Change Application – Public Hearing – Barney Carlson**

The applicant is requesting a zone change for the property located at approximately 8151 South Royal Lane; (from RR-1-43 to RR-1-21). The request is consistent with the General Plan. All requirements have been met for a zone change application.

Chair Bowen opened the public hearing.

Scott Clark, 2360 Royal Lane, expressed concern that the proposed property contains 7.5 acres and will be accommodating 15 lots at a ½ acre a piece. Mr. Clark said that he is concerned about the sensitive lands and the creek; that there maybe an issue with public utilities access, and there may be contamination with regard to the wells, or with this application.

Chair Bowen explained that these issues cannot be addressed at this meeting because they have not been brought before the Planning Commission at this time.

Chair Bowen closed the public hearing.

Kevin Cushing asked the Commission if the proposed zone change creates increased density and whether there would be increased traffic related problems.

Mr. Nicholl reminded the Commission that Mr. Carlson brought a previous proposal to the Commission which had a proposal of 27 units. Mr. Carlson was told at that time that he would need to meet the requirements of the RR-1-21 zone.

Mr. Nicholl moved to recommend approval of the zone change from RR-1-43 to RR-1-21. The motion was seconded by Ms. Rosevear and passed 5-1 with Mr. Haymore voting no.

6.0 **Review Item – O.R.D. Zone – Ordinance Amendment**

Mr. Black gave an overview of the changes to the ORD Zone verbiage from the last meeting.

7.0 **Approval of Minutes**

Mr. Nicholl moved to approve the minutes of December 15, 2005 and January 4, 2006. The motion was seconded by Mr. Keane and passed unanimously on voice vote.

8.0 **Community Development Directors Report**

Mr. Smith gave an update on the last Council meeting and spoke to the Commission about the bus bench issue.

Mr. Black gave the Commission an update on current projects of the Planning Division.

Ms. Rosevear moved to adjourn at 7:03 p.m.

Approved: 2-14-06 sm